



**MINUTES OF THE GOVERNING BOARD MEETING  
SOUTH FLORIDA WATER MANAGEMENT DISTRICT  
3301 Gun Club Road  
West Palm Beach, FL 33406  
Wednesday, September 10, 2003**

Governing Board Members

Pamela Brooks-Thomas, Vice Chair  
Irela M. Bagué  
Kevin McCarty  
Harkley Thornton  
Hugh English (arrived at 10 am)

Michael Collins  
Lennart Lindahl  
Trudi Williams

Absent: Nicolás Gutiérrez, Jr., Chairman

SFWMD - Henry Dean, Executive Director

Assistant Executive Director – Carol Wehle; Director of Policy and Legislation – Kathy Copeland; Deputy Executive Directors – Chip Merriam, Pamela Mac’Kie, Alvin Jackson, and George Horne.

1. Call to Order – Ms. Pamela Brooks-Thomas, Vice-Chair, Governing Board, called the meeting to order at 9:00 a.m.
2. Pledge of Allegiance – Pamela Brooks-Thomas, Vice-Chair, Governing Board.
3. Employee Recognitions by Henry Dean, Executive Director:  
30 Year Service Award: Chip Merriam made the presentation.  
John S. (Steve) Reel, Division Director, Program Support.

August Employee of the Month:

Susan M. Coughanour, Sr. Planner, Program Support.

August Team of the Month:

NAACP Convention – Outreach Event Team consisting of Jose K. Fuentes, Lead Intergovernmental/Outreach Specialist, Miami-Dade Service Center; Jessica A. Hawkins, Associate Outreach Specialist, Project & Product Development; Joseph R. Jean-Baptiste, Intergovernmental/Outreach Specialist, Miami-Dade Service Center; Gardenia B. Long, Associate Outreach Specialist, Media & Community Relations; Lorraine A. Mayers, Staff Business Operations Analyst, Department of Public Information; Ellen L. Negley, Sr. Designer, Project & Product Development; and, Charles C. Scott, II, Lead Communications Specialist, Miami-Dade Service Center.

5. Approval of Minutes from the August 2003 Governing Board meetings:

- Motion made by Mr. Collins and seconded by Mr. Lindahl to approve this item. Motion to approve carried unanimously on a voice vote; Governing Board Members Bagué, Brooks-Thomas, Lindahl, McCarty, Thornton, and Williams voting yes.
- Motion made by Mr. Collins to appoint Ms. Williams as Vice Chair Pro Tem of today's meeting. Seconded by Mr. Lindahl. Motion to approve carried unanimously on a voice vote; Governing Board Members Bagué, Brooks-Thomas, Lindahl, McCarty, Thornton, and Williams voting yes.

6. Additions, deletions, and substitutions to the Agenda announced by District Clerk, Garrett Wallace.

*Section 120.525, Florida Statutes, allows the District to change the published agenda for good cause shown. Based upon that authority, the Chair of the Governing Board of the South Florida Water Management District determines that good cause exists to make the following changes.*

Item #15 Was Changed:

PAGE 8 NO 1 Wesco Square (ERP): Postponed To October Board.

Page 9 No 1 Bellalago (ERP): Postponed To October Board.

Page 13 No 1 Eisenberg Property Investments LLC (WU Denial): Postponed To October Board.

Page 13 No 2 Lakeview Commerce Center (WU Denial): Withdrawn.

Page 13 No 3 Sheridan Ocean Club (WU Denial): Postponed To October Board.

Page 14 No 1 Medalist Golf Club (WU Denial): Postponed To October Board.

Page 14 No 2 Orchid Bay (WU Denial): Postponed To October Board.

Page 15 No 1 Juno Square (WU Denial): Postponed To October Board.

Page 19 No 12 Windsor Palms Development (Consent Agreement) Postponed To October Board.

Item #18 Was Deleted.

**CONSTRUCTION AND ENGINEERING**

**COMPETITIVE CONTRACT CHANGE ORDER**

2003-901 A Resolution of the Governing Board of the South Florida Water Management District to authorize a change order to contract C-15945 with CR Dunn Inc., for pump station S-26 SCADA RTU installation/pump STA S-25B modifications in the amount of TBD for which funds are budgeted; providing an effective date. (Contract Number C-15945-CO01).

Item #29 Was Changed.

**LAND MANAGEMENT & OPERATIONS**

**COMPETITIVE CONTRACT AMENDMENT**

2003-912 A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract C-9082 with A & J Farms, Inc., to extend the lease term by 233 days, retroactive from September 10, 2003 to April 30, 2004, in the amount of \$139,750 as revenue to the District; providing an effective date. (Contract Number C-9082-A02). (A. Romanach, 305-409-6031).

Item #30 Was Changed.

LAND MANAGEMENT & OPERATIONS

COMPETITIVE CONTRACT AMENDMENT

2003-913 A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract C-9083 with Sun Groves Miami, Inc. to extend the lease term by 233 days, retroactive from September 10, 2003 to April 30, 2004 in the amount of \$136,500 as revenue to the District; providing an effective date. (Contract Number C-9083-A01) (A. Romanach, 305-409-6031).

Item #31 Was Changed.

2003-914 A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract C-9084 with Joe DeSousa Farms, Inc., to extend the lease term 233 days, retroactive from September 10, 2003 to April 30, 2004 in the amount of \$94,250 as revenue to the District; providing an effective date. (Contract Number C-9084-A02) (A. Romanach, 305-409-6031).

Item #32 Was Changed.

LAND MANAGEMENT & OPERATIONS

COMPETITIVE CONTRACT AMENDMENT

2003-915 A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract C-9088 with George E. Wright Farms to extend the lease term by 233 days, retroactive from September 10, 2003 to April 30, 2004, in the amount of \$126,750 as revenue to the District; providing an effective date. (Contract Number C-9088-A01) (A. Romanach, 305-409-6031).

Item #33 Was Deleted.

LAND MANAGEMENT & OPERATIONS

LOCAL GOVERNMENTAL AGREEMENT

2003-916 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 25 year lease with three 25 year renewal options with Orange County for the Shingle Creek SOR Project Boardwalk, at no cost to the District; providing an effective date. (Contract Number C-16029).

Item #44 Was Deleted.

2003-929 A Resolution of the Governing Board of the South Florida Water Management District establishing policies concerning agreements with soil and water conservation districts for land management services; providing an effective date.

Item #45 Was Deleted.

2003-930 A Resolution of the Governing Board of the South Florida Water Management District establishing policies concerning the renewal of agricultural leases; providing an effective date.

Item #56 Was Changed to a Competitive Contract Amendment.

Item # 63 Was Deleted.

2003-946 A Resolution of the Governing Board of the South Florida Water Management District establishing policies concerning the distribution of payments received by the

District under the USDA's tree replacement and lost production income programs for citrus trees removed from District lands under the USDA's citrus canker eradication program; providing an effective date. (Santiago Echemendia).

Item #64 Was Deleted.

2003-947 A Resolution of the Governing Board of the South Florida Water Management District authorizing payment to Sardina Farms, Inc. of \$247,114.00 received by the District under the USDA's lost production income program for citrus trees removed from District lands under the USDA's citrus canker eradication program; affirming the payment by USDA to Sardina Farms, Inc. of \$152,360.00 under USDA's tree replacement program for citrus trees removed from District lands under the USDA's citrus canker eradication program; and providing an effective date. (Santiago Echemendia).

Item #65 Was Deleted.

2003-948 A Resolution of the Governing Board of the South Florida Water Management District authorizing payment to Alcides Acosta of up to \$1,579,793.80 received by the District under the United States Department of Agriculture's (USDA) lost production income program for citrus trees removed from District lands under the USDA's citrus eradication program; affirming any payments by USDA to the District under USDA's tree replacement program for citrus trees removed from District lands under the USDA's tree replacement program for citrus trees removed from District lands under the USDA's citrus canker eradication program and authorizing the retention thereof by the District; providing an effective date. (Santiago Echemendia).

Item #66 Was Deleted.

2003-949. A Resolution of the Governing Board of the South Florida Water Management District establishing policies concerning (i) the conditions upon which lease extensions will be granted, (ii) the use of established indices to establish renewal rental values; and (iii) the use of fair market value as the basis for rental values; providing an effective date. (Santiago Echemendia).

Item #92 Was Changed.

2003-973 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year lease with three 1 year renewal options, with Ledford Farms, Inc., the highest responsive and responsible bidder, for the agricultural lease of Frog Pond parcels 9, 11, 14, in the amount of \$59,429.16 as revenue to the District; providing an effective date. (Contract Number LS040588).

Item 112 Was Postponed to the October Governing Board.

Approve Environmental Resource Permit Application 030306-10 for construction and operation of a surface water management system serving 28 acres of commercial development known as CHS Properties (Palm Beach County).

Item #122 Was Changed.

GREATER WEST COAST DEPT.

LOCAL GOVERNMENTAL AGREEMENT

2003-986 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a Memorandum of Understanding with Collier County and the State of Florida Trustees of the Internal Improvement Fund for the purpose of

facilitating the vacation of certain rights of way within the Southern Golden Gate Estates; agreeing to provide to Collier County, subject to annual appropriation and other conditions, the sum of \$1,000,000 per year for 20 years for the maintenance of the secondary canal system in Collier County; agreeing to provide, subject to conditions, approximately 640 acres of land, the location of which to be determined, to Collier County for recreational uses; providing an effective date. (Contract Number OT040600).

Item #135 Was Added.

**EXECUTIVE OFFICE**

**COMPETITIVE CONTRACT - WAIVER OF COMPETITION**

2003-991 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year contract with Plato Consulting Inc., and authorize a Waiver of Competition as an exception to the general standards of competition, for project management and coordination services in an amount not to exceed \$300,000 subject to Governing Board approval of the FY04 budget; providing an effective date. (Contract Number OT040676).

Item #136 Was Added.

**EXECUTIVE OFFICE**

**PURCHASE ORDER**

2003-992 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a Purchase Order for 420 hours with Plato Consulting, Inc., and authorize a Waiver of Competition as an exception to the general standards of competition, for a review of the District's monitoring programs conducted jointly with the Inspector General's Office and the Environmental Monitoring and Assessment Department in the amount of \$63,000 which is unbudgeted, and authorize a budget substitution from available balances from contractual services to professional fees/consulting services; providing an effective date. (Purchase Order PXXXXXX).

7. Abstentions by Board Members from items on the Agenda - Ms. Williams and Mr. Lindahl announced their abstentions.

8. Pulled Items for Discussion from Governing Board Meeting Agenda. Items 27 and 28 pulled by Mr. Lindahl.

9. Public Comment on Consent Agenda. No comment on Consent Agenda.

**Public Comment:**

Roslynn Ferguson, representing Andrew Perl, West Palm Beach, Florida, spoke on Agenda Item No. 15, page 6 #1 concerning the Martin County Consolidated System Permit Application No. 971224-8. Environmental harm to Mr. Perl's property will occur if this permit is approved.

Mr. Thornton pulled this item (Item 15, page 6 #1) from the Consent Agenda for discussion.

- Motion made by Ms. Williams and seconded by Mr. McCarty to approve the Consent agenda with the exception of items pulled, 15, 27, and 28. Motion to

approve carried unanimously on a voice vote; Governing Board Members Bagué, Brooks-Thomas, Lindahl, McCarty, Thornton, and Williams voting yes.

10. Board Comment on Consent Agenda - None.

**Committees and Commissions of the Board**

11. Big Cypress Basin Update – Ms. Trudi Williams, Chair, Big Cypress Basin. Ms. Pamela Mac'Kie provided the report.

12. Audit Committee Report – Mr. Lennart Lindahl, Chair, Audit Committee. No report.

13. Land Resources Committee Report – Mr. Kevin McCarty, Chair, Land Resources Committee. No report.

13A. Water Resources Advisory Commission (WRAC) Report - Michael Collins, Chair, WRAC. Mr. Collins provided the report on several WRAC Issues Workshops that were held during the month of August. Mr. Lindahl reported on the Upper East Coast Regional Water Supply Plan Issues Workshop. Next regular WRAC meeting is scheduled for September 22, 2003 in West Palm Beach.

Mr. Thornton said that WRAC member Rick Coleman has asked to resign and he recommended Joe Collins of the Lykes Brothers Company to replace Mr. Coleman.

- Motion made by Mr. Thornton to remove Rick Coleman from the WRAC membership and appoint Joe Collins, seconded by Mr. Collins.

Ms. Williams asked questions regarding this appointment to the WRAC.

- Motion to approve carried unanimously on a voice vote; Governing Board Members Bagué, Brooks-Thomas, Lindahl, McCarty, Thornton, and Williams voting yes.

**Consent Agenda**

14. Right of Way Occupancy New Permits; Right of Way Occupancy Modifications Right of Way Occupancy Permit Requests with Waiver of District Criteria; and Consent Agreements.

15. Water Use Permit Applications; Surface Water Management Permit Applications (includes Conservation Easements); Environmental Resource Permit Applications (includes Conservation Easements); Denials; Environmental Resource Permit Extensions; Surface Water Management Permit Extensions; Consent Agreements; Emergency Authorizations and Orders; and Seminole Tribe Work Plans.

16. A Resolution of the Governing Board of the South Florida Water Management District relating to the Agency report to the Florida Department of Environmental Protection concerning Florida Power & Light's (FP&L's) application for Corridor Certification of a 53.9 mile-long 230 kilovolt transmission line connecting FP&L's existing

Collier substation near Naples in Collier County to FP&L's existing Orange River substation near Ft. Myers in Lee County; the report recommends approval of FP&L's request to construct a portion of the proposed transmission line across or on District lands, subject to certain conditions and restrictions. (Ashley Foster and Jim Golden)

**17. CONSTRUCTION AND ENGINEERING  
COMPETITIVE CONTRACT CHANGE ORDER**

2003-900 A Resolution of the Governing Board of the South Florida Water Management District to authorize a change order to contract C-13964 with The Murphy Construction Company for C-4 Emergency Detention Basin Phase 1 - G-420 Pump Station, to extend the term by 41 days from September 17, 2003 to October 27, 2003 in the amount of \$20,767.97 for which funds are budgeted; providing an effective date. (Contract Number C-13964-CO02). (R. Pellegrino)

18. Deleted.

**19. WATER SUPPLY  
INTERAGENCY AGREEMENT**

2003-902 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year cost share agreement with the U.S. Geological Survey (Orlando) for data collection and research projects in the amount of \$80,000 as the District's total contribution for 40% of the project costs, subject to Governing Board approval of the FY04 budget; providing an effective date. (Contract Number ML040161). (C. Gefvert)

**20. WATER SUPPLY  
INTERAGENCY AGREEMENT**

2003-903 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year cost share agreement with the U. S. Geological Survey (Miami) for data collection and research projects in the amount of \$454,961 as the District's total contribution for 50% of the project costs, subject to Governing Board approval of the FY04 budget; providing an effective date. (Contract Number ML040162). (C. Gefvert)

**21. ENVIRONMENTAL MONITORING & ASSESSMENT  
INTERAGENCY AGREEMENT**

2003-904 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year cost share agreement with the U.S. Geological Survey (Orlando) for groundwater/surface water monitoring, with the District's contribution being 72% of the total project costs, in the amount of \$360,607 subject to Governing Board approval of the FY04 budget; providing an effective date. (Contract Number ML040282). (C. James)

**22. ENVIRONMENTAL MONITORING & ASSESSMENT  
INTERAGENCY AMENDMENT**

2003-905 A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to cooperative agreement C-13805 with the Florida Department of Environmental Protection for water quality sampling of ground water and surface water for the Status Network and Ground Water Temporal Variability Network, to

extend the term by 335 days from October 31, 2003 to September 30, 2004 in the amount of \$51,981.88 as reimbursement to the District, subject to Governing Board approval of the FY04 budget; providing an effective date. (Contract Number C-13805-A03). (C. Maddox)

**23. ENVIRONMENTAL MONITORING & ASSESSMENT  
LOCAL GOVERNMENTAL AGREEMENT**

2003-906 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3 year cost share agreement with Collier County for water quality monitoring, with the District's contribution in the amount of \$300,000 subject to Governing Board approval of the FY04-FY06 budgets; providing an effective date. (Contract Number ML040284). (P. Burke)

**24. ENVIRONMENTAL MONITORING & ASSESSMENT  
INTERAGENCY AGREEMENT**

2003-907 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 2 year cooperative agreement with the Florida Fish and Wildlife Conservation Commission for Florida Keys Tidal Restoration monitoring in an amount not to exceed \$324,945, subject to Governing Board approval of the FY04-FY05 budgets; providing an effective date. (Contract Number ML040281). (C. Kennedy)

**25. NORTHERN DISTRICT RESTORATION  
COMPETITIVE CONTRACT AMENDMENT**

2003-600 A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract C-13460 with Avineon, Inc., for Kissimmee River pool A baseline vegetation mapping to extend the contract by 90 days from September 14, 2003 to December 13, 2003 at no additional cost to the District; providing an effective date. (Contract Number C-13460-A03). (Laura Carnal)

**26. CONSTRUCTION AND ENGINEERING  
INTERAGENCY AMENDMENT**

2003-601 A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract C-15131 with the Florida Department of Community Affairs for Sweetwater Area Flood Protection, to extend the term by 1 year retroactively from August 18, 2003 to August 17, 2004, at no additional cost to the District; providing an effective date. (Contract Number C-15131-A02).

27. Moved to Discussion Agenda.

28. Moved to Discussion Agenda.

29. As Changed.

**LAND MANAGEMENT & OPERATIONS  
COMPETITIVE CONTRACT AMENDMENT**

2003-912 A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract C-9082 with A & J Farms, Inc., to extend the lease term by 233 days, retroactive from September 10, 2003 to April 30, 2004, in the amount of \$139,750 as revenue to the District; providing an effective date. (Contract Number C-9082-A02). (A. Romanach)



30. As Changed.

LAND MANAGEMENT & OPERATIONS  
COMPETITIVE CONTRACT AMENDMENT

2003-913 A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract C-9083 with Sun Groves Miami, Inc. to extend the lease term by 233 days, retroactive from September 10, 2003 to April 30, 2004 in the amount of \$136,500 as revenue to the District; providing an effective date. (Contract Number C-9083-A01) (A. Romanach)

31. As Changed.

2003-914 A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract C-9084 with Joe DeSousa Farms, Inc., to extend the lease term 233 days, retroactive from September 10, 2003 to April 30, 2004 in the amount of \$94,250 as revenue to the District; providing an effective date. (Contract Number C-9084-A02). (A. Romanach)

32. As Changed.

LAND MANAGEMENT & OPERATIONS  
COMPETITIVE CONTRACT AMENDMENT

2003-915 A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract C-9088 with George E. Wright Farms to extend the lease term by 233 days, retroactive from September 10, 2003 to April 30, 2004, in the amount of \$126,750 as revenue to the District; providing an effective date. (Contract Number C-9088-A01). (A. Romanach)

33. Deleted.

34. 2003-917 A Resolution of the Governing Board of the South Florida Water Management District approving staff recommendations for releases of District Canal, Mineral and Road Reservations, releases of Trustees of the Internal Improvement Trust Fund (T.I.I.T.F.) Canal Reservations, and issuance of Non-Use Commitments; providing an effective date. (V. Rada)

35. 2003-602 A Resolution of the Governing Board of the South Florida Water Management District approving the release of a portion of the C-4 Right of Way, containing 0.03 acres, more or less, to the current underlying fee title owner, in exchange for conveyance to the District of 0.42 acres, more or less, of fee title currently encumbered by the C-4 Right of Way easement, all in Section 2, Township 54 South, Range 39 East, Miami-Dade County; approving the waiver of the release application fee; providing an effective date. (M. Wilson)

36. 2003-919 A Resolution of the Governing Board of the South Florida Water Management District approving the transfer of District land interests to Palm Beach County, containing 1,485.27 acres, more or less, located in Sections 26, 27, 34 and 35, Township 41 South, Range 41 East and Section 2, Township 42 South, Range 41 East, Palm Beach County, Florida, in exchange for a conservation easement, containing 12,488.2 acres, more or less, in the Loxahatchee Slough project, Palm Beach County; providing an effective. (B. Bernstein)

37. 2003-920 A Resolution of the Governing Board of the South Florida Water Management District to authorize settlement of claim in the amount of \$500,000 in accordance with the Federal Uniform Relocation Act for two tracts (105-024 and 105-022) within the Kissimmee River Paradise Run project; providing an effective date. (R. Clements)

38. 2003-921 A Resolution of the Governing Board of the South Florida Water Management District approving the transfer from Miami-Dade County's Wetland Trust Fund to the South Florida Water Management District of approximately \$730,000 to be used for land acquisitions in the Pennsuco or East Coast Buffer Cell #26 Area of Miami-Dade County; providing an effective date. (P. Schneider)

39. 2003-922603 A Resolution of the Governing Board of the South Florida Water Management District approving the purchase of land interests containing 0.68 acres, more or less, in Collier County, FAKA Union Canal project in the amount of \$16,200; approve declaring surplus, disposal of, and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition and approve the use of the District's Ad Valorem Fund for this acquisition and associated costs; providing an effective date. (T. Hanaway)

40. 2003-923 A Resolution of the Governing Board of the South Florida Water Management District approving the purchase of land interests containing 15.0 acres, more or less, in Lee County, Corkscrew Regional Ecosystem Watershed Project ("CREW Project") in the amount of \$51,000; approve declaring surplus, disposal of, and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition and approve the use of the District's Mitigation Funds for this acquisition and associated costs; providing an effective date. (T. Hanaway)

41. 2003-924 A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of land interests containing 1.813 acres, more or less, for the Bird Drive Recharge Area CERP Project, in Miami-Dade County, which is also part of the East Coast Buffer Project, in the amount of \$115,170; approve declaring surplus, disposal of, and removal from the asset records, any such structures and improvements deemed unnecessary for the stated purpose of the original land acquisition; providing an effective date.

2003-925 A Resolution of the Governing Board of the South Florida Water Management District requesting reimbursement from the Department of Environmental Protection for the purchase of land interests containing 1.813 acres, more or less, for the Bird Drive Recharge Area CERP Project, in Miami-Dade County, which is also part of the East Coast Buffer Project, and associated costs; providing an effective date. (O.R. Colan)

42. 2003-926 A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of land interests containing 329.13 acres, more or less, in St. Lucie County, Indian River Lagoon Project, C-23/24 South Reservoir, in the amount of \$2,150,000 and approve declaring surplus, disposal of, and removal from the asset records, any such structures and improvements deemed unnecessary for

the stated purpose of the original land acquisition; providing an effective date.

2003-927 A Resolution of the Governing Board of the South Florida Water Management District requesting reimbursement from the Department of Environmental Protection for the purchase of land interests containing 329.13 acres, more or less, in St. Lucie County, Indian River Lagoon Project, C-23/24 South Reservoir, and associated costs; providing an effective date. (The Conservation Fund)

43. 2003-928 A Resolution of the Governing Board of the South Florida Water Management District authorizing eminent domain proceedings for the acquisition of certain lands consisting of 720.66, acres, more or less, in Polk County, Florida, which is part of the Kissimmee River Restoration and Headwaters Revitalization Project; providing an effective date. (R. Schaeffer)

44. Deleted.

45. Deleted.

46. Approve Petition for Waiver of Rule 40E-7.538(14), F.A.C., for Palm Beach Hounds, Inc. (F. Davis)

**47. FINANCE AND ADMIN DEPT, BUDGET DIVISION**

2003-931 A resolution of the Governing Board of the South Florida Water Management District authorizing the transfer of funds within the District budget as shown on the attachment hereto; providing an effective date. (Aaron Basinger)

**48. FINANCE AND ADMIN DEPT, BUDGET DIVISION**

2003-932 A resolution of the Governing Board of the South Florida Water Management District amending the Fiscal Year 2002 – 2003 Budget; providing an effective date. (Aaron Basinger)

**49. SERVICE CENTERS**

**LOCAL GOVERNMENTAL AMENDMENT**

2003-933 A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to cooperative agreement C-12390 with Broward County for Central and Southern Broward County Integrated Water Resource Plan projects, to extend the term by 18 months, from January 12, 2004 to July 11, 2005, at no additional cost to the District; providing an effective date. (Contract Number C-12390-A02). (Mike Jackson)

**50. SERVICE CENTERS**

**LOCAL GOVERNMENTAL AGREEMENT**

2003-934 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 25 year Cooperative Agreement with the Town Of Southwest Ranches for development of a Recreational Trail Loop System located on C-11 West Canal Right-of-Way to be funded through the Florida Department of Environmental Protection Recreational Trails Grant Program at no cost to the District; providing an effective date. (Contract Number C-13205) (Peg McPherson)

51. FINANCE AND ADMINISTRATION

COMPETITIVE CONTRACT AMENDMENT

2003-935 A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract C-13764 with SAP Public Sector and Education, Inc., for additional training services in the amount of \$165,560, of which \$27,710 is budgeted and the remainder is subject to Governing Board approval of the FY04 budget; providing an effective date. (Contract C-13764-A02) (B. Camerena)

52. SERVICE CENTERS

LOCAL GOVERNMENTAL AMENDMENT

2003-936 A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to cooperative agreement C-13169 with City Of Hialeah Gardens for the Hialeah Gardens South District Stormwater Improvement Project to extend the term by 15 months, from September 14, 2003 to December 13, 2004 at no additional cost to the District; providing an effective date. (Contract Number C-13169-A02). (L. Abbott)

53. 2003-937 A Resolution of The Governing Board Of The South Florida Water Management District authorizing the designation of the position of District Ombudsman, position number 000016, as Senior Management for the purpose of participation in the Florida Retirement System, Effective October 1, 2003.

54. 2003-938 A Resolution of The Governing Board Of The South Florida Water Management District authorizing the designation of the position of Director, Office Of Policy & Legislation, position number 000352 as Senior Management for the purpose of participation in the Florida Retirement System, effective October 1, 2003.

55. INFORMATION TECHNOLOGY

SPECIAL PROCUREMENT

2003-939 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a contract with U.S. Geological Survey, for the creation of Digital Orthophoto Quadrangles, in the amount of \$850,980 subject to Governing Board approval of the FY04 budget; providing an effective date. (Contract Number OT040502) (J. Cameron)

56. Item 56 was changed to a Competitive Contract Amendment.

INFORMATION TECHNOLOGY

COMPETITIVE CONTRACT - WAIVER OF COMPETITION

2003-940 A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract C-11736 with Kema Consulting for the integration and testing of the Water Management System to extend the term by six months retroactively from August 19, 2003 to February 19, 2004 at no additional cost to the District; providing an effective date. (Contract Number C-11736-A08)

57. OFFICE OF COUNSEL

SPECIAL PROCUREMENT AMENDMENT

2003-941 A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract C-13051 with Mayer Brown Rowe & Maw

PA, for legal services in the S-9 Litigation matter, in the amount of \$450,000 of which \$100,000 is budgeted, and the remainder is subject to Governing Board approval of the FY04 Budget; providing an effective date. (Contract Number C-13051-A04) (J. Nutt)

**58. OFFICE OF COUNSEL**

**SPECIAL PROCUREMENT AMENDMENT**

2003-942 A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract C-13046 with Adorno & Yoss P.A., for legal services in the Landmark Bankruptcy matter, in the amount of \$110,000 for which funds are budgeted; providing an effective date. (Contract Number C-13046-A01) (K Jacques-Adams)

**59. OFFICE OF COUNSEL**

**SPECIAL PROCUREMENT AMENDMENT**

2003-943 A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract C-11122 with Leigh Robinson Kerr & Associates, for expert witness services in the City National Bank vs. SFWMD Litigation matter, to extend the term by 1 year from September 13, 2003 to September 12, 2004 at no additional cost to the District; providing an effective date. (Contract Number C-11122-A01) (S. Glazier)

**60. OFFICE OF COUNSEL**

**SPECIAL PROCUREMENT**

2003-944 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3 year contract with Winderweedle Haines Ward & Woodman, PA, for legal advice, counsel, and representation services in the matter of Cesario Sanchez & Antonio Garcia Fernandez vs. South Florida Water Management District (District), an eminent domain action within the Biscayne Bay Coastal Wetlands Project, in the amount of \$195,465 for which funds are budgeted; providing an effective date. (Contract Number C-16056) (S. Glazier)

**61. OFFICE OF COUNSEL**

**SPECIAL PROCUREMENT**

2003-945 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3 year contract with O.R. Colan Associates, Inc., for expert witness services in an eminent domain action within the Kissimmee River Restoration and Headwaters Revitalization Project, in the amount of \$500,000 which is budgeted; providing an effective date. (Contract Number C-16086)

62. Enter a Final Order dismissing with prejudice the Petition for Administrative Hearing filed by Bruce Webb regarding the termination of his employment with the District. (Glenn Miller)

63. Deleted.

64. Deleted.

65. Deleted.

66. Deleted.

**67. GREATER WEST COAST DEPT.  
COMPETITIVE CONTRACT AMENDMENT**

2003-950604 A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract C-11180 with Professional Service Industry, Inc. for Estero Bay and Watershed Assessment Phase II to extend the term by 20 months from September 15, 2003 to May 14, 2005 at no additional cost to the District; providing an effective date. (Contract Number C-11180-A02) (A. Owosina)

**68. GREATER WEST COAST DEPT.  
SPECIAL PROCUREMENT AMENDMENT**

2003-951 A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract C-12109 with Mote Environmental Services, Inc. for Charlotte Harbor research to extend the term by 1 year from October 1, 2003 to September 30, 2004 in the amount of \$150,000 subject to Governing Board approval of the FY04 budget; providing an effective date. (Contract Number C-12109-A03) (T. Barnes)

69. Public Comment - None.

**70. Board Vote on Consent Agenda**

- Motion made by Ms. Williams and seconded by Mr. McCarty to approve the Consent Agenda, except for pulled Items 15, 27, and 28. Motion to approve carried unanimously on a voice vote; Governing Board Members Bagué, Brooks-Thomas, English, Lindahl, McCarty, Thornton, and Williams voting yes.

**Procurement and Contract Items**

**71. GREATER WEST COAST DEPT.  
COMPETITIVE CONTRACT - RFP**

2003-952 A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a 1 year contract with Parsons Infrastructure and Technology Group, Inc., one of two firms selected for Development of a Stormwater Management Master Plan for the Belle Meade area, subject to successful negotiations, in an amount not to exceed \$700,000, for which funds are budgeted. If negotiations are not successful with Parsons Infrastructure and Technology Group, Inc., the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Number C-15776)

**72. GREATER WEST COAST DEPT.  
COMPETITIVE CONTRACT - RFP**

2003-953 A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a 1 year contract with Wilson Miller, Inc., one of two firms selected for Development of a Stormwater Management Master Plan for the Immokalee Area, subject to successful negotiations, in an amount not to exceed \$500,000, for which funds are budgeted. If

negotiations are not successful with Wilson Miller, Inc., the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Number C-15065)

**73. CONSTRUCTION AND ENGINEERING**

**COMPETITIVE CONTRACT - RFB**

2003-954 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 180 day contract with Gilbert Southern Corporation, the lowest responsive and responsible bidder, for construction of the S5A boat ramp replacement and access road improvements in the amount of \$821,479 for which funds are budgeted; providing an effective date. (Contract Number C-15943).

**74. CONSTRUCTION AND ENGINEERING**

**COMPETITIVE CONTRACT - RFB**

2003-955 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 180 day contract with The Murphy Construction Company, the lowest responsive and responsible bidder, for Southern Golden Gate Estates Phase I (Prairie Canal) in the amount of \$411,495 subject to Governing Board approval of the FY04 budget; providing an effective date. (Contract Number CP040075).

**75. WATER SUPPLY**

**UNIVERSITY COOPERATIVE AGREEMENT**

2003-956 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 21 month cooperative agreement with Florida Atlantic University (FAU) for Lower West Coast Floridan Aquifer Model Development and authorize a Justification for a University Cooperative Agreement as an exception to the general standards of competition, in an amount not-to-exceed \$212,670, which is unbudgeted, and authorize a budget transfer in the amount of \$212,670 from the Broward County Service Center, Interagency Expenditures-Local Governments to the Water Supply Department, Planning and Development Division, Modeling/Other Technical Services; providing an effective date. (Contract Number C-15203).

**76. NORTHERN DISTRICT RESTORATION**

**COMPETITIVE CONTRACT - CCNA RFP**

2003-957 A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a 2 year contract, subject to successful negotiations with Royal Consulting Services, Inc., one of five firms selected (C-15307 through C-15311) for design and implementation of remediation BMPs on five cow/calf ranches which were former dairies to reduce phosphorus discharge into Lake Okeechobee, in an amount not to exceed \$400,000 for which funds are budgeted from State appropriations. If negotiations are unsuccessful with Royal Consulting Services, Inc., the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Number C-15307)

**77. NORTHERN DISTRICT RESTORATION**

**COMPETITIVE CONTRACT - CCNA RFP**

2003-958 A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a 2 year

contract, subject to successful negotiations with Berryman and Henigar, Inc., one of five firms selected (C-15307 through C-15311) for design and implementation of remediation BMPs on five cow/calf ranches which were former dairies to reduce phosphorus discharge into Lake Okeechobee, in an amount not to exceed \$400,000 for which funds are budgeted from State appropriations. If negotiations are unsuccessful with Berryman and Henigar, Inc., the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Number C-15308)

**78. NORTHERN DISTRICT RESTORATION  
COMPETITIVE CONTRACT - CCNA RFP**

2003-959605 A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a 2 year contract, subject to successful negotiations with HSA Engineers and Scientists, Inc., one of five firms selected (C-15307 through C-15311) for design and implementation of remediation BMPs on five cow/calf ranches which were former dairies to reduce phosphorus discharge into Lake Okeechobee, in an amount not to exceed \$400,000 for which funds are budgeted from State appropriations. If negotiations are unsuccessful with HSA Engineers and Scientists, Inc., the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Number C-15309).

**79. NORTHERN DISTRICT RESTORATION  
COMPETITIVE CONTRACT - CCNA RFP**

2003-960 A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a 2 year contract, subject to successful negotiations with BEM, Inc., one of five firms selected (C-15307 through C-15311) for design and implementation of remediation BMPs on five cow/calf ranches which were former dairies to reduce phosphorus discharge into Lake Okeechobee, in an amount not to exceed \$400,000 for which funds are budgeted from State appropriations. If negotiations are unsuccessful with BEM, Inc., the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Number C-15310).

**80. NORTHERN DISTRICT RESTORATION  
COMPETITIVE CONTRACT - CCNA RFP**

2003-961 A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a 2 year contract, subject to successful negotiations with Professional Services, Inc., one of five firms selected (C-15307 through C-15311) for design and implementation of remediation BMPs on five cow/calf ranches which were former dairies to reduce phosphorus discharge into Lake Okeechobee, in an amount not to exceed \$400,000 for which funds are budgeted from State appropriations. If negotiations are unsuccessful with Professional Services, Inc., the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Number C-15311).

**81. NORTHERN DISTRICT RESTORATION  
DISTRICT GRANT**



2003-962 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a total of five 1-year agreements with government and non-profit agencies, under the Indian River Lagoon license plate program, for projects located in St. Lucie, Martin and Palm Beach counties in the total amount of \$183,001.72, subject to Governing Board approval of the FY04 budget; providing an effective date. (Contract Number IRL FY2003).

**82. ENVIRONMENTAL MONITORING & ASSESSMENT  
PURCHASE ORDER**

2003-963 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year Purchase Order with OneRain, Inc. (formerly NEXRAIN Corporation) for rainfall accumulation data in the amount of \$55,620 which is subject to Governing Board approval of the FY04 budget; providing an effective date. (Purchase Order Number Pxxxxxx).

**83. FINANCE AND ADMINISTRATION  
COMPETITIVE CONTRACT - RFB**

2003-964 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 90 day contract with Standard Aero, Inc., the lowest responsive and responsible bidder, for the King Air engine overhaul in an amount not-to-exceed \$469,000 for which funds are budgeted; providing an effective date. (Contract Number C-15707) (M. Piccone)

**84. PUBLIC INFORMATION  
COMPETITIVE CONTRACT - WAIVER OF COMPETITION**

2003-965 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a contract with The Polling Company, and authorize a waiver of competition as an exception to the general standards of competition for public awareness baseline survey in an amount not to exceed \$331,000 of which \$31,000 is budgeted in FY03 and the remainder is subject to Governing Board approval of the FY04 budget; providing an effective date. (Contract Number C-15774) (J. Hyres)

**85. SERVICE CENTERS  
UNIVERSITY COOPERATIVE AGREEMENT**

2003-966 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3 year Cooperative Agreement with the University of Florida for Florida Keys CERP Outreach Partnership Project and authorize a Justification for a University Cooperative Agreement as an exception to the general standards of competition, in an amount not to exceed \$400,000 for which funds are budgeted; providing an effective date. (Cooperative Agreement Number C-C20502A). (C. Weaver)

**86. INFORMATION TECHNOLOGY  
PURCHASE ORDER**

2003-967 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year purchase order with Environmental Systems Research Institute (ESRI) for software licensing fees, software updates and software problem resolution for the time period 10/01/03 – 9/30/04 in the amount of \$170,500 subject to Governing Board approval of the FY04 budget; providing an effective date.

(Purchase Order P4XXXX) (D. Marzetti)

**87. INFORMATION TECHNOLOGY**

**PURCHASE ORDER**

2003-606968 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a purchase order with Advanced Information Systems Group Inc. for software licensing fees, software updates and software problem resolution services for the time period 10/01/03 – 9/30/04 in the amount of \$132,489 subject to Governing Board approval of the FY04 budget; providing an effective date. (Purchase Order P4XXXX) (T. Rabbit)

**88. INFORMATION TECHNOLOGY**

**PURCHASE ORDER**

2003-969 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year purchase order with Oracle Corporation for software licensing fees, software updates and software problem resolution for the time period 10/25/03 – 10/24/04 in the amount of \$544,826 subject to Governing Board approval of the FY04 budget; providing an effective date. (Purchase Order P4XXXX) (K. McKeon)

**89. INFORMATION TECHNOLOGY**

**PURCHASE ORDER**

2003-970 A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to Purchase Order P104945 with TEKSystems, Inc. for the services of a Computer Operator, to extend the term by 1 year, from October 1, 2003 to September 30, 2004, in the amount of \$57,262 subject to Governing Board approval of the FY04 budget; providing an effective date. (Purchase Order Number P104945) (F. Fletcher)

**90. INFORMATION TECHNOLOGY**

**PURCHASE ORDER**

2003-971 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year purchase order with Presidio Corporation for computer network hardware maintenance (break/fix and replacement) and software licensing fees, software updates and software problem resolution for the time period 9/30/03 – 9/29/04 in the amount of \$214,394 subject to Governing Board approval of the FY04 budget; providing an effective date (Purchase Order P4XXXX) (J. Weber)

**91. FINANCE AND ADMINISTRATION**

**COMPETITIVE CONTRACT - RFB**

2003-972 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3 year contract with M & H Pressure Cleaning, the lowest responsive and responsible bidder, for the services of a Headquarters Maintenance Handyman in an amount not to exceed \$201,000, which is subject to Governing Board approval of the FY04-FY06 budgets; providing an effective date. (Contract Number C-15702) (J. Creswell)

**92. As changed.**

2003-973 A Resolution of the Governing Board of the South Florida Water

Management District to authorize entering into a 1 year lease with three 1 year renewal options, with Ledford Farms, Inc., the highest responsive and responsible bidder, for the agricultural lease of Frog Pond parcels 9, 11, 14, in the amount of \$59,429.16 as revenue to the District; providing an effective date. (Contract Number LS040588).

**93. LAND MANAGEMENT & OPERATIONS**

**COMPETITIVE CONTRACT - RFP**

2003-974 A Resolution of the Governing Board of the South Florida Water Management District to authorize the official ranking of short-listed firms and entering into a 5 year contract with EMS Scientists, Engineers, Planners, Inc., for a Dupuis Lygodium study, subject to successful negotiations, in an amount not to exceed \$150,000, of which \$30,000 is budgeted in FY03, and the remainder is subject to Governing Board approval of the FY04-07 budgets. If negotiations are unsuccessful with EMS Scientists, Engineers, Planners, Inc., the District will proceed with negotiations in ranked order until a contract has been successfully negotiated; providing an effective date. (Contract Number C-13650) (D. Black)

**94. LAND MANAGEMENT & OPERATIONS**

**COMPETITIVE CONTRACT - WAIVER OF COMPETITION**

2003-975 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 27 month lease with two 1 year renewal options with Gary and Gwen Marsh, and authorize a waiver of competition as an exception to the general standards of competition, for a Pool D Interim Cattle Grazing Lease in an amount not to exceed \$2,075.63 as revenue to the District of which \$922.50 is budgeted and the remainder is subject to Governing Board approval of the FY04-05 budgets; providing an effective date. (Contract Number C-15958) (H. Price)

**95. LAND MANAGEMENT & OPERATIONS**

**COMPETITIVE CONTRACT - WAIVER OF COMPETITION**

2003-976 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 27 month lease with two 1 year renewal options with Eddie Waldron, and authorize a waiver of competition as an exception to the general standards of competition, for a Pool D Interim Cattle Grazing Lease in an amount not to exceed \$2,548.13 as revenue to the District of which \$1,132.50 is budgeted and the remainder is subject to Governing Board approval of the FY04-05 budgets; providing an effective date. (Contract Number C-15959).

**96. LAND MANAGEMENT & OPERATIONS**

**COMPETITIVE CONTRACT - WAIVER OF COMPETITION**

2003-977 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 27 month lease with two 1 year renewal options with Irene Lofton, and authorize a waiver of competition as an exception to the general standards of competition, for a Pool D Interim Cattle Grazing Lease in an amount to the exceed \$1,501.88 as revenue to the District of which \$667.50 is budgeted and the remainder is subject to Governing Board approval of the FY04-05 budgets; providing an effective date. (Contract Number C-15960).

**97. LAND MANAGEMENT & OPERATIONS**

**COMPETITIVE CONTRACT - WAIVER OF COMPETITION**

2003-978 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 27 month lease with two 1 year renewal options with Phillip R. & Janis C. Langford, and authorize a waiver of competition as an exception to the general standards of competition, for a Pool D Interim Cattle Grazing Lease in an amount not to exceed \$5217.38 as revenue to the District of which \$2317.50 is budgeted and the remainder is subject to Governing Board approval of the FY04-05 budgets; providing an effective date. (Contract Number C-16032).

98. LAND MANAGEMENT & OPERATIONS  
COMPETITIVE CONTRACT - WAIVER OF COMPETITION

2003-979 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 27 month lease with two 1 year renewal options with Robert Arnold, and authorize a waiver of competition as an exception to the general standards of competition, for a Pool D Interim Cattle Grazing Lease in an amount not to exceed \$1,750 as revenue to the District of which \$750 is budgeted and the remainder is subject to Governing Board approval of the FY04-05 budgets; providing an effective date. (Contract Number C-16038).

99. LAND MANAGEMENT & OPERATIONS  
COMPETITIVE CONTRACT - WAIVER OF COMPETITION

2003-980 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 3 year contract with the Corkscrew Regional Ecosystem Watershed (CREW) Land & Water Trust for CREW land management, and authorize a waiver of competition as an exception to the general standards of competition, in an amount not to exceed \$309,090 subject to Governing Board approval of the FY04-06 budgets; providing an effective date. (Contract Number OT040586).

100. Public Comment - None

101. Board Vote on Procurement and Contracts Consent Agenda.

- Motion made by Mr. McCarty and seconded by Mr. Lindahl to approve Procurement Items 71 through 99. Motion to approve carried unanimously on a voice vote; Governing Board Members Bagué, Brooks-Thomas, Lindahl, McCarty, Thornton, and Williams voting yes.

**[Vice Chair Brook Thomas recessed the Regular Governing Board Meeting at 9:40 a.m.]**

**Human Resources Committee – Mr. Harkley Thornton, Chair, Human Resources Committee**

Mr. Thornton convened the Human Resources Committee meeting at 9:40 a.m. with members Irela Bagué, Kevin McCarty and Mr. Thornton.

102. Department of Human Resources. Ms. Sandra Turnquest, Director, Human Resources Department, SFWMD, introduced Mr. Spence of Performance and Reward Solutions, Inc.

Presentation given on Total Compensation Review for Fiscal Year 2004 by Mr. Spence.

Mr. Thornton and Mr. Collins asked questions on health insurance costs provided to employees. Justin Ausanio, Risk Management, SFWMD, provided information.

- Motion by Mr. Collins and seconded Ms. Bagué to accept the report by Mr. Spence. Motion to approve carried unanimously on a voice vote; Human Resources Committee Members Bagué, McCarty, and Thornton voting yes.

**[Vice Chair Brook Thomas reconvened the Regular Governing Board Meeting at 10:00 a.m.]**

4. Broward County Water Matters Day Presentation by Mr. David Lee Water Management Program information from of Broward County. He stated that County Commissioner Kristin Jacobs was unable to attend. Mr. Lee provided information on the event.

Henry Dean read a letter dated September 8, 2003, from Commissioner Jacobs addressed to him to the Governing Board.

[Mr. English joined the Meeting at 10:00 a.m.]

Announcement: Ms. Williams said she had a correction to the Minutes of the August 2003 Governing Board Meeting. On Agenda Item 98 she voted "No" and the Minutes stated she had voted yes. Correction to the Minutes will be made.

- Motion made by Mr. Collins and seconded by Ms. Bagué to Amend the Motion to Approve the Minutes and to correct the August 2003 Board Minutes. Motion to approve carried unanimously on a voice vote; Governing Board Members Bagué, Brooks-Thomas, English, Lindahl, McCarty, Thornton, and Williams voting yes.

103. **Workshop Agenda**

104. CERP Project Update – Chip Merriam, Deputy Executive Director, Water Resources. Mr. Merriam made the presentation.

Mr. English asked questions.

105. Water Conditions Report – Mr. Tommy Strowd, P.E.. Mr. Strowd made the presentation.

Mr. McCarty, Mr. English, and Mr. Lindahl discussed this issue.

Mr. Strowd provided information on Lake Okeechobee stage releases.

Mr. Lindahl reported on his first hand knowledge of the releases.

Mr. Thornton asked questions on the Caloosahatchee River.

106. Lake Toho Drawdown Discussion.

Report to the Board by Mike Hulon of U. S. Fish & Wildlife Service. Mr. Hulon provided information on fish, wildlife, and marine life and expressed his concerns on the state of the estuaries. He and his staff are ready to move forward. Staff has been wonderful to work with, but there are serious problems that need to be resolved.

Mr. Thornton addressed this issue and the Nine County Coalition recommendations and the Resolution recently passed by Osceola County Commissioners.

Mr. Collins commented on this issue.

Mr. English asked questions on the drawdowns impact to the area.

Public Comment:

Patrick Hayes, representing Martin County Soil and Water, Tequesta, Florida, spoke on the Lake Okeechobee Plan. The "Nine County Coalition" was discussed.

Mr. Thornton refuted Mr. Hayes' comments and environmental impacts to the estuaries and the Upper Chain of Lakes.

Ms. Williams provided information on the Upper Chain of Lakes.

Mr. Collins commented on the estuaries.

Lisa Interlandi, representing Martin County Conservation, spoke on the Toho Drawdown. Her group supports the drawdowns, but to increase the burden to the estuaries is something they do not want to see.

Gary N. Roderick, representing Martin County, Stuart, Florida, spoke on the Lake Okeechobee Releases and Lake Toho Drawdown. He is concerned with the high level of Lake Okeechobee and would like the water level lowered. Martin County wants the Lake level lowered, but even though they support the Lake Toho drawdown, they do not support it right now and would like to have at least Level 2 or Level 3 releases.

Mr. Collins responded to the comments made by Mr. Roderick and provided information on the Corps of Engineers, Mother Nature, and other influences to the Lake.

Mr. Thornton disagreed with Mr. Roderick's comments and stated misinformation has been given to the public and he thinks it is irresponsible to make such comments. The drawdown has not started yet and has not caused any damage to date.

Mr. Lindahl spoke on the C-44 releases and the fact that Martin County voted yesterday to file a lawsuit against the District. Freshwater releases were discussed.

Mr. English provided further information.

Wayne L. Nelson, representing FADE, Okeechobee, Florida, spoke on what he believes are the Board's perception of the situation and that perception is not the same as his on the Lake Toho Drawdown. An Inter-Agency Group should be able to help provided assistance. He thinks the system needs to be stabilized before the drawdown can be done.

Mr. Thornton commented on the Upper Chain of Lakes.

Mr. Collins thanked Mr. Nelson for his advocacy of the Lake and the environment. Further information was provided on the drawdowns. The scientists will provide recommendations.

Rosa Durando, representing the Audubon Society, Lake Worth, Florida, spoke on the Lake Toho drawdown. A comprehensive water policy from Disney World to Florida Bay is what is needed.

Tom MacVicar, representing Osceola County, West Palm Beach, Florida, spoke on the Lake Toho Drawdown. The past and the future of Lake Okeechobee were discussed. Osceola County would like the drawdown as soon as possible, unless it would cause damage to any other county. He showed a chart entitled Regulatory Discharge Output from Lake Okeechobee to the Estuaries demonstrating comparisons of "with and without" the drawdowns. He asked that in a month the real risks be assessed.

Mr. English commended Mr. MacVicar for being a voice of reason on this subject.

107. Update on Lake Okeechobee Protection Plan (Plan), by Susan Gray, Director,

Dr. Gray provided the presentation on the Plan. The three major environmental impacts, requirements, etc. were discussed. Potential phosphorus reduction activities were explained. Two alternatives were shown. The schedule was provided. This presentation was an update for the Board. The Plan is out on the web and staff welcomes comments from the public and from other agencies.

Mr. English spoke on the Watershed for Lake Okeechobee and asked technical questions.

Mr. Collins said that staff has done a good job and come a long way, but there are technical aspects of the plan that still need to be handled.

Mr. Lindahl agreed with Mr. Collins' comments.

108. Board review and public noticing of a mitigation plan prepared by District staff for the Department of Transportation (Robert Robbins).

Mr. Robbins presented information and stated that this presentation did not require any action by the Board, but is required by law.

### **Discussion Agenda**

CERP Coordination

110. Approve Environmental Resource Permit Modification Application 030709-4 for construction and operation of a surface water management system serving a 20.0 acre single family residential lot (Lot 30) within a previously approved residential subdivision known as Trailside (Martin County) (Don Medellin and David Unsell)

111. Approve Environmental Resource Permit Modification Application 030624-10 for construction and operation of a surface water management system serving 105.21 acres of roadway development known as SR 15 Resurfacing, Restoration and Rehabilitation (Palm Beach County) (Don Medellin and Peter Kwiatkowski)

112. Postponed Until October Board Meeting.

113. Approve Surface Water Management Permit Modification Application 030626-17 for construction and operation of a surface water management system serving 139.1 acres of recreational development known as Revised Dreher Park System (Palm Beach County) (Anthony Waterhouse and Peter Kwiatkowski)

114. Approve Surface Water Management Permit Modification Application 030721-10 for construction and operation of a surface water management system serving 32.2 acres of commercial development known as Palm Beach County Park Airport Runway 9-27 (Lantana) Centerline Relocation (Palm Beach County) (Anthony Waterhouse and Peter Kwiatkowski)

- Motion made by Mr. Lindahl and seconded by Mr. Collins to approve items Nos. 110 through 114, except for 112 which was postponed to the October 2003 Board Meeting. Motion to approve carried unanimously on a voice vote; Governing Board Members Bagué, Brooks-Thomas, English, Lindahl, McCarty, Thornton, and Williams voting yes.

109. Public Comment

Wayne Nelson, representing FADE, Okeechobee, Florida, spoke on his friend Richard Coleman who died in an airboat accident last month. He would like a plaque put up at the District to acknowledge his contributions to the environment. He spoke on the transfer of Lou Toth to another position at the District.

Marcy LaHart, representing Haney Creek Greenway Group, West Palm Beach, Florida. She spoke on the culverts and enforcement action. She asked the Board to ask enforcement staff to investigate the culverts to determine if they are correct.

Mr. Merriam provided information.

Ms. Williams asked that staff investigate the culverts.

Patrick Hayes, Martin County Soil and Water Conservation District, Tequesta, Florida, spoke on the estuaries.



Rosa Durando, representing Audubon, Lake Worth, Florida, spoke on the role played by Lou Toth (District staff member) on the Kissimmee Restoration and she expressed her thanks for his dedication to this project. She asked the Board to re-examine the situation regarding Mr. Toth.

**CLOSED DOOR SESSION:**

Sheryl Wood, General Counsel, announced the Closed Door Session matters to discuss with the Governing Board.

124. Closed-door Session

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2001) to discuss strategy related to litigation expenditures in Investors' Mortgage Funding Corp. vs. South Florida Water Management District, Circuit Court, Broward County, Florida, Case No. 00-013404-14. Sheryl G. Wood, General Counsel, Office of Counsel

Action Items (if any) Stemming from Closed Sessions

Attorney-client session pursuant to Fla. Stat. Section 286.011(8)(2001) to discuss strategy related to litigation expenditures in Investors' Mortgage Funding Corp. vs. South Florida Water Management District, Circuit Court, Broward County, Florida, Case No. 00-013404-14. Sheryl G. Wood, General Counsel, Office of Counsel.

Vice Chair Brooks-Thomas recessed the meeting for the Closed Door Session in Governing Board Chamber at 12:15 p.m.

Vice Chair Brooks-Thomas reconvened the Governing Board meeting at 2:00 p.m. and reported on the Closed Door Session. No action will be taken by the Governing Board on the items discussed at the Closed Door Session.

115. Consideration of Surface Water Management Conceptual Modification Application 030417-5 for a surface water management system serving a 610 acre residential/equestrian project in Wellington Acme Basin B, Section 34 known as Wellington Preserve. (Palm Beach County) (Terrie Bates and Kathleen Collins).

Ms. Bates made the presentation to the Board. Staff recommendation included phased construction timed to coincide with planned ACME Basin B regional project; "Backbone" system constructed upfront with 25 individual lots authorized for construction; engineer certification of system completion; additional 25 individual lots authorized for construction each subsequent year (standard general permits); and no restriction on sale of lots.

Mr. McCarty asked questions.

Ms. Williams commented on the application and the infrastructure.

Mr. Merriam provided further information.

General Board discussion. Ms. Bates said compliance will be an ongoing challenge and an issue as far as keeping up with the standard permits. Staff

recommendation is for approval of the issuance of an environmental resource permit conceptual approval, with special conditions.

Public Comment:

Lisa Interlandi, representing Friends of Everglades, West Palm Beach, Florida, spoke on the Wellington Preserve. She is opposed to this application being approved. The conditions established by SFWMD staff are the absolute minimum. She presented to the Board a list of revised wetland plants for use in the treatment marsh and said the applicant agreed to make the changes.

Mr. English commented on the plantings.

Erin Deady, representing Audubon, Miami, Florida, spoke on Schedule 34. She also said the applicant has committed to 10 ppb. She opposes the permit being issued as recommended by staff.

Rolf Olson, representing the Arthur Marshall Loxahatchee National Wildlife Refuge, Boynton Beach, Florida, spoke on the surface water application, section 34, Wellington Acme Basin B. He is the Assistant Manager of the Refuge and he expressed his concerns to the Refuge if this permit is granted.

Norma Perdue, representing herself, Dunnellon, Florida, spoke on the Wellington, (Greg Isabell) permit. She expressed her concerns for Basin B. She asked the Board to take a longer look at this permit before granting it.

Rosa Durando, representing Audubon Society, Lake Worth, Florida, spoke on the Wellington Preserve. The five year monitoring limit is ridiculous. She wants to see the 10 ppb put in the Permit Application and she is generally opposed to the permit being approved. The future growth in the area of guest houses, pools, barns, groomers quarters, etc. will hurt the environment. She asked the Board to postpone the approval for another month to consider all their options.

Al Malefatto, representing Jadov/Levy, LLC (Applicant), West Palm Beach, Florida, explained his client's obligations to the SFWMD and said he will honor all requirements of the permit. He will not be developing the property, only selling the lots. His client has agreed to 10 ppb, but every month they may not be able to reach that goal and that is why District staff put in the 50 ppb. He thinks the recommendations from staff are fair. It is critical that they get the permit today.

Board discussion. Mr. McCarty said this is an important project from a discharge point of view. He asked questions of staff.

Mr. Lindahl also asked questions of staff and expressed his concerns on this very important matter. He said that another condition of the permit requiring a signed and sealed report of that representation of the acceptances that the facilities have been constructed to the specifications of the permit. Ms. Bates said another condition can be added to the permit application requiring a performance bond to cover the cost of constructing the additional 30 acres of marsh if needed and that the permittee would be

responsible for the converting the land to filter marshes. Water quality monitoring was discussed as well as working with the Village of Wellington to work out additional conditions.

Mr. English spoke on his concerns regarding the matter.

Mr. Collins provided comments on the matter. Compliance with permits is a problem the District has had for years.

Ms. Bates and Mr. Merriam provided further information on the permit application.

- Motion made by Mr. McCarty to approve the recommendations of staff, with the special conditions listed by staff, and adding the special conditions on: plantings, the financial instrument needed (bond), not transferring the permit to the Homeowner's Association (HOA), and working with the Village of Wellington. Seconded by Mr. Lindahl.

Ms. Williams asked for further information on the financial instrument needed. Ms. Bates provided the information and clarified that also included in the Permit Application Motion are the addendums of (1) Not transferring the permit to the HOA, and (2) Working with the Village of Wellington on water quality monitoring. Mr. McCarty agreed.

Further questions and answers.

Vice-Chair Brooks-Thomas asked if the Board would like to delay the Motion and come back next month will more information.

Board discussion and further questions and answers on compliance issues. Vice Chair Brooks-Thomas called the Motion.

- Motion to approve carried unanimously on a voice vote; Governing Board Members Bagué, Brooks-Thomas, English, Lindahl, McCarty, Thornton, and Williams voting yes.

116. Deny Environmental Resource Permit Application 021216-11 for a commercial project known as Island Willow, which does not meet ERP and Sovereign Submerged Lands criteria in Sections 40E-4.301 and 40E-4.302, Florida Administrative Code (FAC), Chapter 373.414 (1), Florida Statutes, and Chapters 18-20 and 18-21, FAC.

Robert Robbins made the presentation. Staff recommends denial of the application.

Public Comment:

Adnan Alghita is the applicant and he addressed the Governing Board. The project is located on Hutchinson Island. (No Public Comment Filled Out by Speaker)

Mr. Robbins continued his presentation.

- Motion made by Ms. Williams and seconded by Ms. Bagué to approve staff's recommendation of denial of the permit application.

Mr. Alghita spoke again on his property and his application.

- Motion to approve carried unanimously on a voice vote; Governing Board Members Bagué, Brooks-Thomas, English, Gutiérrez, Lindahl, McCarty, Thornton, and Williams voting yes.

#### 117. SOUTHERN DISTRICT RESTORATION

2003-981 A Resolution of the Governing Board of the South Florida Water Management District to approve the Combined Structural and Operational Plan's (for the Modified Water Deliveries to the Everglades National Park and the C-111 Canal Projects) Purposes and Objectives document. The document identifies the goals and objectives of the participating agencies (Corps, ENP, USFWCC, and SFWMD) in implementing CSOP. (Patricia Strayer and Dennis Duke, USACOE).

#### 118. SOUTHERN DISTRICT RESTORATION

2003-982 A Resolution of the Governing Board of the South Florida Water Management District to approve the Amended Memorandum of Understanding (Amended MOU) and the Ground Rules document for the Combined Structural and Operational Plan for the Modified Water Deliveries to the Everglades National Park and the C-111 Canal Projects (CSOP). The Amended MOU establishes the Cooperating Agencies' (USACOE, the District, ENP, FWS) agreement to jointly sponsor the CSOP process. The Ground Rules Document establishes the roles and responsibilities of the Cooperating Agencies' as they undertake and implement the agreements in the Amended MOU. (Patricia Strayer)

Mr. Merriam introduced Mr. Duke (USACOE) and representatives of the Department of the Interior. Items 117 and 118 will be tied together.

Mr. Duke presented information on the status, purpose and objectives of the Combined Structural and Operating Plan (CSOP). The past, present and future of the South Dade System was presented. The report on the existing authorized purposes of the C-111 and MWD projects was provided to the Governing Board for their approval and has not been opened up for public comment. Information on the CSOP Planning Conditions was explained. A table of design criteria per 1994 C-111 GRR was shown to the Board. Background information in the paper was also presented.

Mr. Collins recommended support of this report.

#### Public Comment:

Terrence "Rock Salt", representing the Department of Interior (DOI), spoke on CSOP. He believes this is the time to bring this plan to closure. The DOI is prepared to move forward.

Tom MacVicar, representing South Dade Agriculture, West Palm Beach, Florida, spoke on purposes and objectives. He has 25 years experience with this item and he just received the report a few days ago. He provided his comments on the report and his

past experience over the years with various other reports.

Return to Presentation:

Jay Slacks of the U. S. Fish and Wildlife Service continued with the presentation. He expressed his thanks for the report and he believes it helps the process. Public involvement is paramount and that is included in the report. The U. S. Fish & Wildlife Service supports the report.

Mr. Benjamin, Superintendent with the U. S. National Park Service, complimented the Board and staff for their working relationship. A few concerns with the report will be worked out and the ball needs to get rolling. The National Park Service is committed to moving forward and providing the best possible service.

Public Comment:

Erin Deady, representing Audubon Society, Miami, Florida, spoke on CSOP. Audubon is committed to moving forward on this document today. She would like the Board to approve it today, or if not today then by October 2003 at the latest.

John Adornato, representing the National Parks Conservation Association, Hollywood, Florida, spoke on the combined structural and operational plan. The NPCA appreciates the hard work on the CSOP process. He recommended moving forward today, and if not today, by the October Governing Board meeting.

Mr. Lindahl commented. He suggested that WRAC form a subcommittee to take this matter on as fast as possible.

Mr. English provided information on his concerns for CSOP and he would like input from not only the Federal side, but from the landowners.

Ms. Bagué agreed that this should be brought before the WRAC.

Mr. Collins said this has been a long process and he would like it resolved. Statement of existing conditions in operating the system is what the report consists of and he does not want the WRAC changing the report. He asked for the support of the Governing Board to bring this issue to the full WRAC (not a subcommittee of WRAC) and have presentations by the USACOE, National Parks Service, Mr. MacVicar, and other groups. Then the full WRAC will provide a recommendation to the Governing Board.

Mr. Duke provided further information.

- Motion made by Mr. Collins to take Items 117 and 118 to the full WRAC for recommendations. No objections by any Board member.

126. 2003-987 A Resolution of the Governing Board of the South Florida Water Management District to approve and authorize negotiating and entering into an amended final judgment of the condemnation action involving approximately 1,220 acres, more or less, (Tracts VF-100-002 and VF-100-003) in the C-51 and L-8 reservoir component of the

North Palm Beach County-part one, CERP Project, styled South Florida Water Management District vs. Palm Beach Aggregates, Inc. and filed in the 15th Circuit Court for Palm Beach County, Florida; authorize the Executive Director to execute the amended final judgment; providing an effective date.

2003-988 A Resolution of the Governing Board of the South Florida Water Management District amending South Florida Governing Board Resolution No. 2002-759 advising the Department of Environmental Protection of the proposed acquisition of land containing 1,220.0 acres, more or less, in the C-51 and L-8 reservoir component of the North Palm Beach County-part one, CERP Project, located in Palm Beach County, requesting reimbursement for acquisition and associated costs from the Department of Environmental Protection and requesting the release of funds for acquisition of such land; providing an effective date. (Ruth Clements)

Ms. Clements presented information on this item. Elements of the transaction, environmental impacts, and deliveries to L-8 reservoir were presented. Staff asked for approval.

- Motion made by Mr. McCarty and seconded by Mr. Lindahl to approve this item.

Mr. English asked questions on the value of the land and storage facility sediment.

Ms. Clements responded to value and Mr. Merriam responded to storage factors.

Mr. Lindahl spoke on the benefits of this purchase.

Public Comment:

Erin Deady, Audubon Society, Miami, Florida, supports this purchase.

Paul Whalen, representing Loxahatchee River Water Management District, commended the Water Management District and he supports this action to purchase this property.

- Motion to approve carried unanimously on a voice vote; Governing Board Members Bagué, Brooks-Thomas, English, Lindahl, McCarty, Thornton, and Williams voting yes.
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Mr. Dean expressed his thanks and appreciation to District staff, Ruth Clements, Abe Cooper and Paul Linton.

119. 2003-983 A Resolution of the Governing Board of the South Florida Water Management District approving the continuation of Contract C-C10110P with HDR Engineering, Inc., for the purpose of providing technical services in support of the CERP Lake Okeechobee Watershed Project; providing an effective date. (Jose Otero)

Mr. Merriam provided information.

- Motion made by Mr. Collins and seconded by Mr. Lindahl to approve this item.  
Motion to approve carried unanimously on a voice vote; Governing Board

Members Bagué, Brooks-Thomas, English, Lindahl, McCarty, Thornton, and Williams voting yes.

**120 CONSTRUCTION AND ENGINEERING  
COMPETITIVE CONTRACT - RFB**

2003-984 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 360 day contract with Harry Pepper and Associates, the lowest responsive and responsible bidder, for the installation of S-7/S-8 pump station trash rakes in the amount of \$3,620,300, subject to Governing Board approval of the FY04 budget; providing an effective date. (Contract Number CN040431) (Craig Wilson).

Mr. Merriam provided information on this item.

- Motion made by Ms. Williams and seconded by Mr. Collins to approve this item. Motion to approve carried unanimously on a voice vote; Governing Board Members Bagué, Brooks-Thomas, English, Lindahl, McCarty, Thornton, and Williams voting yes.

**121. ENVIRONMENTAL MONITORING & ASSESSMENT  
INTERAGENCY AGREEMENT**

2003-985 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year cost share agreement with the U.S. Geological Survey (Miami) for groundwater surface water monitoring, with the District's contribution being 63% of the total project costs, in the amount of \$1,245,652 subject to Governing Board approval of the FY04 budget; providing an effective date. (Contract Number ML040265). (Cherry James)

Mr. Merriam provided information and introduced Cherry James. Ms. James did the presentation.

- Motion made by Ms. Williams and seconded by Mr. Lindahl to approve this item.

Mr. English asked for assurance that someone is looking at all the data material. Mr. Merriam said this is being done.

Mr. Collins commented on the data and said he believes this particular data is very important.

- Motion to approve carried unanimously on a voice vote; Governing Board Members Bagué, Brooks-Thomas, English, Lindahl, McCarty, Thornton, and Williams voting yes.

**122. As changed.  
GREATER WEST COAST DEPT.  
LOCAL GOVERNMENTAL AGREEMENT**

2003-986 Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a Memorandum of Understanding with Collier County and the State of Florida Trustees of the Internal Improvement Fund for

the purpose of facilitating the vacation of certain rights of way within the Southern Golden Gate Estates; agreeing to provide to Collier County, subject to annual appropriation and other conditions, the sum of \$1,000,000 per year for 20 years for the maintenance of the secondary canal system in Collier County; agreeing to provide, subject to conditions, approximately 640 acres of land, the location of which to be determined, to Collier County for recreational uses; providing an effective date. (Contract Number OT040600) (C. Tears)

Pamela Mac'Kie presented information on this item.

- Motion made by Ms. Williams and seconded by Mr. Collins to approve this item. Motion to approve carried unanimously on a voice vote; Governing Board Members Bagué, Brooks-Thomas, English, Lindahl, McCarty, Thornton, and Williams voting yes.

### **Open Public Hearing**

125. 2003-24 A Resolution of the Governing Board of the South Florida Water Management District to approve the purchase of land interests containing 10.0 acres, more or less, in Palm Beach County, Everglades Agricultural Area project in the amount of \$40,000; providing an effective date.

2003-25 A Resolution of the Governing Board of the South Florida Water Management District requesting reimbursement from the Department of Environmental Protection for the acquisition of land interests containing 10.0 acres, more or less, located in Palm Beach County; Everglades Agricultural Area project, and associated costs; providing an effective date. (R. Schaeffer)

Ms. Clements presented information on this item.

- Motion made by Ms. Williams and seconded by Mr. Collins to approve this item. Motion to approve carried unanimously on a voice vote; Governing Board Members Bagué, Brooks-Thomas, English, Lindahl, McCarty, Thornton, and Williams voting yes.

### **Close Public Hearing.**

15. Moved from Consent Agenda -- Water Use Permit Applications; Surface Water Management Permit Applications (includes Conservation Easements); Environmental Resource Permit Applications (includes Conservation Easements); Denials; Environmental Resource Permit Extensions; Surface Water Management Permit Extensions; Consent Agreements; Emergency Authorizations and Orders; and Seminole Tribe Work Plans. Permit Application No. 971224-8 - Martin County Consolidated System, Martin County Utilities, Page 6, Item #1.

Sheryl Wood, General Counsel, SFWMD, announced that Mr. Andrew Perl (applicant) had filed a Petition for Administrative Hearing today and this Petition had not been reviewed by Office of Counsel.



Scott Burns, Director, Water Use, SFWMD, provided information on the issues addressed under this application. Staff's conclusion is this wetland does not qualify for protection from drawdowns. Issue a consumptive use permit to Martin County Utilities.

Public Comment:

Roslynn Ferguson, representing Andrew Perl (applicant), West Palm Beach, Florida. She asked the Board to consider postponing action this permit pending the Martin County decision.

- Motion made by Ms. Williams and seconded by Mr. McCarty to approve this item.

Mr. English spoke on agricultural use of water and urban use of water. This is a very contentious issue between landowners and utilities. He does have sympathy for landowners as far as water.

- Motion to approve carried unanimously on a voice vote; Governing Board Members Bagué, Brooks-Thomas, English, Gutiérrez, Lindahl, McCarty, Thornton, and Williams voting yes.

**27. LAND MANAGEMENT & OPERATIONS  
COMPETITIVE CONTRACT AMENDMENT**

2003-910 A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract C-9059 with Jesus Valladares to exercise an option of extending the term by 1 year retroactive from August 20, 2003 to August 19, 2004 in the amount of \$4,050 as revenue to the District; providing an effective date. (Contract Number C-9059-A01) (A. Romanach)

**28. LAND MANAGEMENT & OPERATIONS  
COMPETITIVE CONTRACT AMENDMENT**

2003-911 A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to contract C-9060 with Ledford Farms, Inc., to exercise an option of extending the term by 1 year retroactive from September 10, 2003 to September 9, 2004 in the amount of \$30,277.41 as revenue to the District; providing an effective date. (Contract Number C-9060-A01) (A. Romanach)

Mr. Lindahl discussed agenda Items 27 and 28. He recommended approval.

Mr. English said the Board previously agreed to go out on bid on contracts in the future. Mr. Lindahl provided further information on these two particular contracts. Bids to go out to leasees allowing them to remain on the land through the growing season were discussed.

Tom Olliff responded to comments. Board discussion.

- Motion made by Ms. Williams and seconded by Mr. McCarty to approve Items 27 and 28.

Public Comment

Troy Ledford, representing Ledford Farms, Inc., tenant on the property, Homestead, Florida. He asked questions on the five year renewal process. He requested going to mediation to work out this matter.

Mr. Lindahl provided information.

Ms. Williams spoke on dollar values for leased land and having a “level playing field” for all leasees so everyone can go by the same rules.

Mr. Ledford continued expressing his concerns with his contract. .

Mr. Lindahl provided further information on leases.

Ms. Wood provided legal advice.

Mr. English spoke on the land buying program at the District and leasing land program.

- Motion to approve carried unanimously on a voice vote; Governing Board Members Bagué, Brooks-Thomas, English, Lindahl, McCarty, Thornton, and Williams voting yes.

Item #135 Was Added:

**EXECUTIVE OFFICE**

**COMPETITIVE CONTRACT - WAIVER OF COMPETITION**

2003-991 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 1 year contract with Plato Consulting Inc., and authorize a Waiver of Competition as an exception to the general standards of competition, for project management and coordination services in an amount not to exceed \$300,000 subject to Governing Board approval of the FY04 budget; providing an effective date. (Contract Number OT040676)

Item #136 Was Added:

**EXECUTIVE OFFICE**

**PURCHASE ORDER**

2003-992 A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a Purchase Order for 420 hours with Plato Consulting, Inc., and authorize a Waiver of Competition as an exception to the general standards of competition, for a review of the District's monitoring programs conducted jointly with the Inspector General's Office and the Environmental Monitoring and Assessment Department in the amount of \$63,000 which is unbudgeted, and authorize a budget substitution from available balances from contractual services to professional fees/consulting services; providing an effective date. (Purchase Order PXXXXXX) (Carol Wehle)

Information on Items 135 and 136 given by Carol Wehle.

- Motion made by Ms. Williams and seconded by Ms. Bagué to approve items 135 and 136. Motion to approve carried unanimously on a voice vote; Governing Board Members Bagué, Brooks-Thomas, English, Lindahl, McCarty, Thornton, and Williams voting yes.

**Public Comment:**

Paul Whalen, representing the Loxahatchee River District, Jupiter, Florida, supports District action – Palm Beach Aggregates additional water storage.

**127. Public Comment.**

John B. Koch, representing the Sierra Club, West Palm Beach, Florida, spoke on the matter of District employee Lou Toth case. He read a letter from Karen Kaplan of the Polk County Sierra Club supporting Mr. Toth. He disagrees with Mr. Toth's demotion and removal from the Kissimmee Restoration project at the SFWMD.

David Friedrichs, Executive Director, representing Dade County Farm Bureau, and the Florida City Chamber of Commerce, Homestead, Florida. He read a letter into the record regarding farm leases and land management and operations competitive contracts. A copy of the letter was furnished to the District Clerk.

George Wright, representing George Wright Farms, Homestead, Florida. He thanked the Board for their consideration and agrees on the District's proposed plan for the leases in the future.

William Chen, representing Sun Groves in Miami, Florida, and he thanked the Board for giving him an extension on his lease.

**Staff Reports**

128. Inspector General's Report – Mr. Allen Vann. Mr. Vann provided an oral report. There will be an Audit Committee meeting next month.

129. Office of Policy and Legislation Update – Ms. Kathy Copeland. No report given.

130. Calendar Update – Mr. Garrett Wallace. Ms. Williams asked if the next Land Resources Committee meeting could be moved. The next meeting will be held on October 3, 2003. Mr. Wallace listed upcoming District meetings.

131. Ombudsman's Report – Mr. John Williams. No report given.

132. General Counsel Report – Ms. Sheryl Wood. An oral report was given.

133. Executive Director's Report – Mr. Henry Dean. An oral report was given.

134. Board Comment.

Mr. Lindahl said the Annual Water Management Conference was a great success.

Mr. McCarty spoke regarding a Legislative Bill that allowed Governing Board and District staff members to increase travel reimbursement. This will be on the agenda for the Audit Committee as a discussion item and placed on the Governing Board Agenda next month. Mr. Vann will put on the Audit Committee Agenda.

Ms. Bagué thanked Ms. Brooks-Thomas for her chairmanship today.

Ms. Williams said the country's recession is improving and the outlook is good for the economy.

Ms. Brooks-Thomas thanked staff for the District's magazine Water Matters, especially Patti Nichols. It was very good.

Adjournment at 5:40 p.m.

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Pamela Brooks-Thomas  
Governing Board Vice Chairperson

Recorded by:

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Paula Moree  
District Deputy Clerk